

HOUSE BILL 1034

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 39 and Title 40.

WHEREAS, the Tennessee juvenile justice system can lawfully retain custody of youthful offenders to the age of nineteen (19) years, under §37-1-137; and

WHEREAS, young people, by virtue of their age, have a lack of maturity and less of a sense of responsibility, are susceptible to peer pressure, and have as-yet undeveloped personalities; and

WHEREAS, it has been shown that mental, emotion and behavioral development is ongoing during this stage of life, thereby justifying the individualized treatment of those in this age group, despite their being legally and lawfully of age; and

WHEREAS, youthful sex offenders are largely motivated by curiosity and opportunity, not deviant sexual attraction as with older, adult offenders; and

WHEREAS, the state of Tennessee has a compelling interest in community safety, rehabilitation of young people and successful reintegration of offenders back into society following incarceration; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-525, is amended by adding the following new subsection:

(e) Any offender, age nineteen (19) and under at the time of the commission of offense, who on or after July 1, 2007, commits any violation of §§39-13-502, 39-13-503, 39-13-504, 39-13-505 or 39-13-506 or attempts to violate any of these sections, and who has no prior adult convictions for any felony, shall be under community supervision as provided by §39-13-524 for two (2) calendar years after the offender is released from prison, unless:

(1) The offender violated the terms of community supervision during the two (2) years; or

(2) The offender used a deadly weapon during the commission of the offense.

The provisions of this section shall apply to all such youthful offenders who are or will be on community supervision as provided by §39-13-524. The provisions of this section shall not apply to any person convicted of rape of a child or attempted rape of a child.

SECTION 2. This act shall not be interpreted to alter or amend any sex offender registration requirement or the sex offender registry.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.